

EXHIBIT E

Silas Declaration

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
W. R. GRACE & CO., et al.,¹) Case No. 01-01139 (KJC)
) (Jointly Administered)
Reorganized Debtors.)
)
)

**DECLARATION OF CARL SILAS IN SUPPORT OF THE REORGANIZED DEBTORS'
OMNIBUS MEMORANDUM IN: (A) REPLY IN SUPPORT OF THE REORGANIZED
DEBTORS' MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED. R. BANKR.
P. 7056 FOR PARTIAL DISALLOWANCE OF CLAIM NO. 7021, FILED BY NORFOLK
SOUTHERN RAILWAY; (B) RESPONSE TO CROSS-MOTION FOR SUMMARY
JUDGMENT ALLOWING CLAIM NO. 7021; AND (C) SUPPORT OF AN ORDER
FINDING THE FELA ACTION TRIAL RECORD INADMISSIBLE FOR THE
PURPOSE OF NORFOLK SOUTHERN ESTABLISHING ITS INDEMNIFICATION
CLAIM**

COUNTY OF AIKEN)
) ss.
STATE OF SOUTH CAROLINA)

Carl Silas deposes and says:

1. I am over the age of 18 and competent to testify to all matters discussed in this Declaration. I have been employed at the Grace Plant since 1984. I have had a variety of positions at the plant. I am presently in a position called "working leader." I was a working leader in 1998.

2. I understand that I am testifying about an incident involving a Norfolk Southern railroad employee, Lester Kirkland, that took place in January 1998. In the course of my work duties at the plant, we discussed Mr. Kirkland's incident, and I have recently been involved in discussions about the related litigation.

¹ The Reorganized Debtors comprise W. R. Grace & Co. ("Grace") and W. R. Grace & Co.-Conn. ("Grace-Conn.").

3. In 1998, I worked in an area of the plant that loaded railcars and had regular contact with Mr. Kirkland. In 1998, I did not know Mr. Kirkland's last name, but I knew who he was, and we always called him Lester. My work brought me into regular contact with Lester, and I had conversations with others at the plant who also had contact with Lester, and from that I had the impression that Lester was a "character" and that others felt the same way. In my experience, Lester always complained about dust coming from the railcars. Lester was always very picky and difficult to satisfy. Lester always wanted us to blow more dust off the railcars. In my personal experience working around Lester in the loading area and the railcar storage area of the plant, we did what we could to satisfy him, including ensuring that the ladders and platforms were blown down. I never heard Lester complain about slipping or falling from railcars because of the kaolin dust.

4. Based on my experience as a working leader, I can testify that, in 1998, when we finished loading a railcar, we always blew the kaolin dust off the top of the car. If kaolin spilled onto a railcar during loading, we always would blow the kaolin dust off the tops of the cars and sweep the ladders and platforms at the ends of the car. Because I worked loading railcars, I am personally aware that, prior to January 1998, in part because of Lester's complaints, we changed our procedures so that we blew dust off the tops of the cars, and we also blew down the ends of the cars in addition to sweeping the ladders and platforms.

5. I have over thirty years' experience working at the plant, loading cars and performing other duties. It has been my experience that Grace employees climb on every railcar that comes through the plant to set and to release the handbrakes. In that time, I know of no incident where a Grace employee (or anyone else, Norfolk Southern employee or otherwise) fell or slipped from a railcar while working the handbrake. I am sure I would have learned about any

incident where a Grace employee fell from a railcar because safety is considered very important at Grace and we would have treated that as a reportable safety incident.

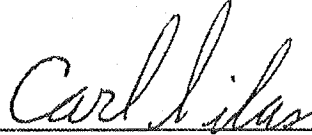
6. Based on my experience working on, loading, and moving rail cars, and also my experience supervising those operations, the proper way to release the handbrake is to climb the ladder on the railcar and step on to the platform at the brake end of the railcar. The handbrake and a brake quick release lever sit above the platform at the back of the railcar. The platform is a non-slip grating with raised edges. From my experience working on railcars, I know that if you are wearing proper shoes with a good grip, you will not slip off the platform while working the brake, even if the platform is coated with kaolin. It is not proper to attempt to operate the handbrake while standing on the ladder at the back of the train.

7. I did not personally witness Lester's incident because the incident did not take place at the Grace Plant. I heard about Lester's incident from the train crew that usually worked with Lester. I learned only that the train crew believed Lester got hurt. I never saw Lester work again after the incident.

[nothing further on this page]

8. Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury of the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: March 6, 2017

A handwritten signature in cursive script, reading "Carl Silas", written over a horizontal line.

Carl Silas
Working Leader
Grace Kaolin Products Facility
W. R. Grace & Co.
213 Kaolin Road
Aiken, SC 29801